

1 AMAR L. THAKUR, CAL. BAR NO. 194025
JON E. MAKI, CAL. BAR NO. 199958
2 NICOLE M. LEE, CAL. BAR NO. 222344
CRYSTINA COATS, CAL BAR NO. 234301
3 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
4 Including Professional Corporations
12275 El Camino Real, Suite 200
5 San Diego, California 92130
Telephone: 858-720-8900
6 Facsimile: 858-509-3691
Email: athakur@sheppardmullin.com
7 jmaki@sheppardmullin.com
nlee@sheppardmullin.com
8 ccoats@sheppardmullin.com

9 Attorneys for Plaintiff and Counterdefendant
Bridgepoint Education, Inc.

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA
13

14 BRIDGEPOINT EDUCATION, INC.,

15 Plaintiff,

16 v.

17 PROFESSIONAL CAREER
DEVELOPMENT INSTITUTE, LLC, and
18 DOES 1-10, inclusive,

19 Defendants.

22 PROFESSIONAL CAREER
DEVELOPMENT INSTITUTE, LLC,

24 Counterclaimant,

25 v.

26 BRIDGEPOINT EDUCATION, INC.,

27 Counterdefendant.
28

CASE NO. 07 CV 2222 IEG (BLM)

**JOINT MOTION TO RE-SCHEDULE
EARLY NEUTRAL EVALUATION
CONFERENCE**

[Declaration of Jon E. Maki filed concurrently
herewith and [Proposed] Order sent to
efile_major@casd.uscourts.gov]

Courtroom 1, 4th Floor
Honorable Irma E. Gonzalez

Complaint Filed: November 20, 2007
Trial Date: None set.

1 Pursuant to L.R. 7.2 and this Court's January 14, 2008 Notice and Order Setting
2 Early Neutral Evaluation Conference, Plaintiff and Counterdefendant Bridgepoint Education Inc.
3 ("Plaintiff" or "Bridgepoint") and Defendant and Counterclaimant Professional Career
4 Development Institute, LLC ("PCDI" or "Defendant") hereby stipulate to and respectfully request
5 this Court to re-schedule the Early Neutral Evaluation Conference ("ENE") currently scheduled
6 for February 20, 2008 at 1:30 p.m. to a date acceptable to the Court. The date proposed herein by
7 the parties, March 10, 2008, is the first date that the parties' principals and their respective counsel
8 are all available for an in-person ENE.

9
10 The parties believe that good cause exists for re-scheduling the ENE due to the
11 unavailability of Plaintiff's CEO, Mr. Andrew Clark, who has an out-of-state, pre-paid vacation
12 set for February 16-29 and, therefore, cannot appear before this Court on February 20, 2008.
13 See Declaration of Jon E. Maki in Support of Joint Motion and [Proposed] Order to Re-Schedule
14 Early Neutral Evaluation Conference ("Maki Decl."), ¶ 3. Mr. Clark is the best representative for
15 the Plaintiff as he is fully aware of all facts involved in this litigation and has full settlement
16 authority. See id., ¶ 3. The parties believe it will be very beneficial towards settlement to have
17 Mr. Clark personally attend the ENE Conference, rather than a different Bridgepoint
18 representative with less knowledge and understanding of the facts and circumstances leading to
19 this litigation and counterclaims. See id., ¶ 5.

20
21 Upon learning that Mr. Clark is unavailable on February 20, 2008, the parties met
22 and conferred pursuant to Local Rule 26.1 to attempt to find a mutually available date prior to
23 February 16 (due to the February 22 cut-off set by Local Rule 16.1(c) and the unavailability of Mr.
24 Clark). See Maki Decl., ¶ 4. Defendant's primary business attorney Mr. James Kelly, who serves
25 as PCDI's outside General Counsel and is an essential participant for PCDI, is not available from
26 February 1 through February 15, 2008. See id., ¶ 4. Mr. Kelly is out of the office during this time
27 on a prior commitment that could not be re-scheduled. See id., ¶ 4. In addition, Mr. Kelly and his
28 client's representative(s) will be traveling from Georgia for the ENE.

1 Given Mr. Clark and Mr. Kelly's unavailability, the first day all parties' principals
2 and counsel are all available for an in-person ENE was determined to be March 10, 2008. See id.,
3 ¶ 6. Based upon the above set of facts, the parties hereby stipulate to request that the Court re-
4 schedule the Early Neutral Evaluation Conference to March 10, 2008, or as soon thereafter as the
5 Court is available, so that the Parties may each have their representatives with the most knowledge
6 regarding this matter and full settlement authority in attendance. See id., ¶ 7.

7
8 DATED: February 13, 2008

9 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

10
11 By s/Jon E. Maki
12 jmaki@sheppardmullin.com

13 AMAR L. THAKUR
14 JON E. MAKI
15 NICOLE M. LEE
16 CRYSTINA COATS

17 Attorneys for Plaintiff and Counterdefendant
18 BRIDGEPOINT EDUCATION, INC.

19
20 DATED: February 13, 2008

21 By s/Sarah M. Shalf
22 shalf@bmelaw.com

23 JOHN E. FLOYD
24 SARAH M. SHALF
25 MARK T. DROOKS
26 JAMES P. KELLY

27 Attorneys for Defendant and Counterclaimant
28 PROFESSIONAL CAREER DEVELOPMENT
 INSTITUTE, LLC